

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT, STATE
OF UTAH, IN AND FOR THE COUNTY OF CARBON.

THE TIDWELL CANAL COMPANY,
a corporation, et al,

PLAINTIFFS

vs.

THE PIONEER DITCH COMPANY NO. I,
et al,

DEFENDANTS.

SUPPLEMENTAL DECREE.

In accordance with the foregoing findings of fact and conclusions of law, it is ORDERED, ADJUDGED AND DECREED as supplemental to the original decree in this action

1. That all of the parties to this action were given and received due and legal notice of the time and place of the hearing upon which this supplemental decree is based.

2. That the future permanent duty of the waters of the Price River and its tributaries involved in this action for the lands mentioned in the original decree in this action, and owned by the parties to this action and their successors in interest and irrigated thereby, is hereby fixed and determined to be one cubic foot per second for each sixty acres thereof, and the original decree in this is hereby modified accordingly.

3. That, as between themselves and without prejudice to the rights of the other parties to this action or their successors in interest, the following named parties and their successors in interest, to-wit:

Frank Jerome, Robert A. Powell, Sr., S. C. Powell, S. C. Harmon, Leonard Piro, successor in interest of Robert W. Powell, A. Eleganti, successor in interest of James Hansen, Hiram Hansen, Enoch Bryner, and Alma Bryner successors in interest of John Bryner, Lorona Donato successor in interest to Matt Plantz, Charles Carrera, successor in interest to Thomas Rhodes, E. T. Jones, Henry Van Natta and other heirs of J. H. Van Netta, deceased, Paul Pesetto successor in interest to Charles Lund and John Pessetto, James Bryner, Price Realty Company successor in interest to Sidse Rhodes and Jacob Kofford, Robert Snyder, William H. Tidwell, successor of Joseph Tidwell and Daniel Morgan, James F. Pace, successor to Ann Thomas, Henry Bryner and J. T. Fitch, Price Water Company, Union Pacific Coal Company, Rio Grande Western Railroad Co., Utah Fuel Company, successor in interest of the Pleasant Valley Coal Co., Pioneer Ditch Company No. 1., S. J. Harkness, J. H. Eccles, O. G. Kimball, Isiah Llewellyn, J. W. Metcalf, Joseph Castle, T. H. Thomas, William C. Burrows, W. L. Burrows, Madsen Brothers,

R. G. Miller, John L. Price, John E. Inglis, Christensen Brothers and Morley, Andrew Smith, Nettie Noakes, Taylor and Gardner, J. Inglis, Trustee, Jesse Burrows, David C. Burrows, D. W. Holdaway, W. H. Donaldson, Thomas Llewellyn, Harriet Lloyd Wilson, J. H. Cramer, Orin Elmer and Neil M. Madsen, Spring Glen Irrigation Company, J. H. Rowley, C. H. Cook, David Courley, George Smith, H. D. Fulmer, James Neilson, H. J. Stohl, William Miller, J. C. H. Sonberg, Ray Cook, T. H. Auphand, Mary J. Tollen, Hiram Bellows, Charles Sonberg, Adone Thompson, Milo Perkins, Norg Miller, F. M. Ewell J. N. Kline, James Martello, Tidwell Canal Company, Allred Ditch Company, Pioneer Ditch Company No. 2, Price Reservoir and Irrigation Company, Sheckery Shea and Joseph Sheya successors in interest of Joseph Vetcher, Lee Vetcher, Charles Vetcher, John A. Crockett, Alfred Grames, Albert Grames, Charles Grames, George Smith, Malinda Morgan, George Ryland successor in interest of William Morgan and N. S. Neilson successor in interest of R. G. Millers interest on Gordon Creek, are, when there is sufficient water flowing in said Price River and its tributaries so to do, entitled to fill their respective canals to their carrying capacity, and when the said waters shall have become reduced so that they are insufficient to so fill said canals, then each of said parties shall be entitled to, and shall have the right to take and have distributed to him or it, through said canals, a pro rata share of the flowing waters of said river and its said tributaries in proportion to the number of acres of land, as stated in the original decree herein to be owned by him or it, and as the waters of said river and tributaries fall, the quantity flowing to each shall be reduced proportionately according to the acreage owned by each, as stated in said decree and when the said waters shall become reduced so that the same shall not be equivalent in quantity to one cubic foot per second for each sixty acres of said lands, then junior rights shall be cut off in the order provided in said decree, and when the said waters shall become reduced to a quantity less than one cubic foot per second for each sixty acres of said lands, specified in said decree, to be entitled to a prior right to the use of water then the said waters shall be distributed to the owners of such prior rights in proportion to the number of acres owned by each as specified in said decree.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a water shall by order to the court be appointed during each irrigation season, and the compensation of said commissioner shall be fixed in said order. The duties of said commissioner shall be to measure and determine from time to time the quantity of water flowing in said Price river, its tributaries, and the ditches diverting therefrom, to distribute said water equally among the persons entitled thereto under this decree, using the said duty of water as herein fixed as a basis of said distribution. Said commissioner shall perform any duty or duties respecting the control, measurement, and distribution of said water as may be required by the court from time to time during the irrigation season, and shall report as often as may be required by the court his proceeding in the discharge of his said duties, and render to the court full information concerning the same as the court may from time to time require, Said commissioner shall have such assistants in the discharge of his duties as may be ordered and decreed by the court.

IT IS FURTHER DECREED that the said commissioner appointed by this court as above stated shall give a good and sufficient undertaking to be approved by the court for the performance of his duties in such sum as the court may order; the compensation, cost, and expenses of said commissioner in the discharge of his duties shall be paid by the parties hereto pro rata according to their interests in the water distributed by the decree, and at such times as may be hereinafter ordered by the court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that at any time should the parties to this action, and their successors in interest agree to dispense with the service of said commissioner and provide and agree upon other means of distribution of the water provided in the decree, the court may revoke the appointment of the commissioner and confirm the means proposed by the parties to this action and their successors in interest for the distribution of the water herein.

IT IS FURTHER ORDERED that each party shall pay his own costs.

C. W. Morse.

Judge.

Done in open court this 6th day of May A.D. 1910.